

FRIDAY, OCTOBER 29, 2021

THIRD LEGISLATIVE DAY

THIRD EXTRAORDINARY SESSION

The House met at 9:00 a.m. and was called to order by Mr. Speaker Sexton.

The proceedings were opened with prayer by Rep. T. Hicks.

Representative T. Hicks led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 93

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton -- 93

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Cooper; illness

Representative Crawford; illness

Representative J. Sexton; illness

Representative Alexander; business

Representative Harris

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 5 Reps. Leatherwood, Rudd, Faison, Lynn, Zachary, Russell, Cochran, Reedy, Cepicky, Todd and Littleton as prime sponsors.

House Joint Resolution No. 7 Reps. Lamberth, Faison, Moon, Littleton, Ogles, Curcio, Haston, T. Hicks, White, Helton, Hurt, Doggett, Cepicky, Moody and Todd as prime sponsors.

House Joint Resolution No. 17 Reps. Hardaway and Reedy as prime sponsors.

House Joint Resolution No. 18 Reps. Beck, Freeman, Lamberth and Clemmons as prime sponsors.

House Joint Resolution No. 20 Rep. Clemmons as prime sponsor.

House Joint Resolution No. 21 Reps. Terry, Sparks and Baum as prime sponsors.

House Bill No. 71 Reps. Sherrell, Rudd, Reedy, Cepicky, Ragan, Todd and Moody as prime sponsors.

House Bill No. 72 Reps. Sherrell, Cochran, Reedy, Lynn and Todd as prime sponsors.

House Bill No. 73 Reps. Sherrell, Gillespie, Leatherwood, Rudd, C. Johnson, Eldridge, Hardaway, Cepicky, Lynn, Hurt, Ragan, Marsh, Camper, Howell and Todd as prime sponsors.

House Bill No. 75 Reps. Cepicky, Lynn, Ragan and Howell as prime sponsors.

House Bill No. 76 Reps. Griffey, Leatherwood, Zachary, Cepicky, Lynn and Howell as prime sponsors.

House Bill No. 77 Reps. Griffey, Leatherwood, Rudd, Cepicky, Lynn, Howell and Todd as prime sponsors.

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Joint Resolution No. 1** -- Memorials, Death - Virginia Rose Clockadale Paduch. by *Crowe.

***Senate Joint Resolution No. 2** -- Memorials, Recognition - Herb Greenlee. by *Crowe.

***Senate Joint Resolution No. 3** -- Memorials, Death - Deputy Matthew Stephen Locke. by *Walley.

***Senate Joint Resolution No. 4** -- Memorials, Recognition - Madison County, bicentennial. by *Jackson.

***Senate Joint Resolution No. 6** -- Memorials, Recognition - Youth Builders, 75th anniversary. by *Southerland.

***Senate Joint Resolution No. 7** -- Memorials, Sports - Chuckey-Doak Middle School volleyball team. by *Southerland.

***Senate Joint Resolution No. 8** -- Memorials, Sports - South Greene Middle School football team. by *Southerland.

***Senate Joint Resolution No. 9** -- Memorials, Professional Achievement - Beau Christian, Sim Star Award. by *Niceley, *Southerland.

***Senate Joint Resolution No. 10** -- Memorials, Recognition - Phillip Cutshaw, Presidential Awards for Excellence in Mathematics and Science Teaching finalist. by *Southerland.

***Senate Joint Resolution No. 11** -- Memorials, Recognition - Wesley Miller, Hometown Hero. by *Southerland.

***Senate Joint Resolution No. 12** -- Memorials, Sports - Stephen Gregg, South Greene High School Lady Rebels Volleyball Coach. by *Southerland.

***Senate Joint Resolution No. 13** -- Memorials, Sports - North Greene High School boys' golf team, Region 1-A runner up. by *Southerland.

***Senate Joint Resolution No. 14** -- Memorials, Sports - South Greene High School girls' golf team, TSSAA Region 1-A Championship. by *Southerland.

***Senate Joint Resolution No. 15** -- Memorials, Recognition - Dr. Amanda Ford. by *Southerland.

***Senate Joint Resolution No. 16** -- Memorials, Recognition - Sergeant Danny Ray Reece. by *Southerland.

***Senate Joint Resolution No. 17** -- Memorials, Recognition - Doyle Lawson, Governor's Award. by *Southerland.

***Senate Joint Resolution No. 18** -- Memorials, Recognition - Doty Family Reunion, 80th anniversary. by *Southerland.

***Senate Joint Resolution No. 19** -- Memorials, Heroism - Staff Sergeant Ryan Knauss, United States Army. by *Massey, *Briggs.

***Senate Joint Resolution No. 20** -- Memorials, Recognition - Carl Burton Douglas, roadway dedication. by *Yager, *McNally.

***Senate Joint Resolution No. 22** -- Memorials, Retirement - M. Denis "Pete" Peterson. by *Crowe.

***Senate Joint Resolution No. 23** -- Memorials, Death - Joni Perkins Cannon. by *Crowe.

***Senate Joint Resolution No. 24** -- Memorials, Sports - Providence Christian Academy girls' golf team, TSSAA Division II, Class A girls state champions. by *Reeves, *White.

***Senate Joint Resolution No. 25** -- Memorials, Sports - Evan Woosley-Reed, TSSAA Division I, Class A boys individual state golf champion. by *Reeves.

***Senate Joint Resolution No. 26** -- Memorials, Sports - Caroline Pardue, TSSAA Division II, Class A girls individual state golf champion. by *Reeves, *White.

***Senate Joint Resolution No. 27** -- Memorials, Retirement - Assistant District Attorney General Thomas Fowler Jackson, Jr. by *Reeves.

***Senate Joint Resolution No. 28** -- Memorials, Recognition - Ross N. Robinson Middle School. by *Lundberg.

***Senate Joint Resolution No. 29** -- Memorials, Recognition - Andrew Johnson Elementary School. by *Lundberg.

***Senate Joint Resolution No. 30** -- Memorials, Recognition - John Adams Elementary School. by *Lundberg.

***Senate Joint Resolution No. 31** -- Memorials, Recognition - Major General Tommy H. Baker. by *Stevens.

***Senate Joint Resolution No. 32** -- Memorials, Personal Occasion - Joyce Cornelia Haywood Eidson, 91st birthday. by *Yarbro.

***Senate Joint Resolution No. 33** -- Memorials, Recognition - Peter Horne. by *McNally.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar No. 2 for October 29, 2021:

House Resolution No. 1 -- Memorials, Death - Michael R. Feldman. by *Clemmons.

***House Joint Resolution No. 21** -- Memorials, Death - Nevin Wax. by *Rudd, *Terry, *Sparks, *Baum.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar No. 2 for October 29, 2021:

***Senate Joint Resolution No. 1** -- Memorials, Death - Virginia Rose Clockadale Paduch. by *Crowe.

***Senate Joint Resolution No. 2** -- Memorials, Recognition - Herb Greenlee. by *Crowe.

***Senate Joint Resolution No. 3** -- Memorials, Death - Deputy Matthew Stephen Locke. by *Walley.

***Senate Joint Resolution No. 4** -- Memorials, Recognition - Madison County, bicentennial. by *Jackson.

***Senate Joint Resolution No. 6** -- Memorials, Recognition - Youth Builders, 75th anniversary. by *Southerland.

***Senate Joint Resolution No. 7** -- Memorials, Sports - Chuckey-Doak Middle School volleyball team. by *Southerland.

***Senate Joint Resolution No. 8** -- Memorials, Sports - South Greene Middle School football team. by *Southerland.

***Senate Joint Resolution No. 9** -- Memorials, Professional Achievement - Beau Christian, Sim Star Award. by *Niceley, *Southerland.

***Senate Joint Resolution No. 10** -- Memorials, Recognition - Phillip Cutshaw, Presidential Awards for Excellence in Mathematics and Science Teaching finalist. by *Southerland.

***Senate Joint Resolution No. 11** -- Memorials, Recognition - Wesley Miller, Hometown Hero. by *Southerland.

***Senate Joint Resolution No. 12** -- Memorials, Sports - Stephen Gregg, South Greene High School Lady Rebels Volleyball Coach. by *Southerland.

***Senate Joint Resolution No. 13** -- Memorials, Sports - North Greene High School boys' golf team, Region 1-A runner up. by *Southerland.

***Senate Joint Resolution No. 14** -- Memorials, Sports - South Greene High School girls' golf team, TSSAA Region 1-A Championship. by *Southerland, *Stevens, *Roberts.

***Senate Joint Resolution No. 15** -- Memorials, Recognition - Dr. Amanda Ford. by *Southerland.

***Senate Joint Resolution No. 16** -- Memorials, Recognition - Sergeant Danny Ray Reece. by *Southerland.

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***Senate Joint Resolution No. 17** -- Memorials, Recognition - Doyle Lawson, Governor's Award. by *Southerland.

***Senate Joint Resolution No. 18** -- Memorials, Recognition - Doty Family Reunion, 80th anniversary. by *Southerland.

***Senate Joint Resolution No. 19** -- Memorials, Heroism - Staff Sergeant Ryan Knauss, United States Army. by *Massey, *Briggs.

***Senate Joint Resolution No. 20** -- Memorials, Recognition - Carl Burton Douglas, roadway dedication. by *Yager, *McNally.

***Senate Joint Resolution No. 21** -- Memorials, Death - Carl R. Moore. by *Lundberg, *Crowe, *Southerland, *Akbari, *Bailey, *Bell, *Bowling, *Briggs, *Campbell, *Gardenhire, *Gilmore, *Haile, *Hensley, *Jackson, *Johnson, *Kelsey, *Kyle, *Massey, *Niceley, *Pody, *Powers, *Reeves, *Roberts, *Robinson, *Rose, *Stevens, *Swann, *Walley, *Watson, *White, *Yager, *Yarbro, *McNally.

***Senate Joint Resolution No. 22** -- Memorials, Retirement - M. Denis "Pete" Peterson. by *Crowe.

***Senate Joint Resolution No. 23** -- Memorials, Death - Joni Perkins Cannon. by *Crowe.

***Senate Joint Resolution No. 24** -- Memorials, Sports - Providence Christian Academy girls' golf team, TSSAA Division II, Class A girls state champions. by *Reeves, *White.

***Senate Joint Resolution No. 25** -- Memorials, Sports - Evan Woosley-Reed, TSSAA Division I, Class A boys individual state golf champion. by *Reeves.

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***Senate Joint Resolution No. 27** -- Memorials, Retirement - Assistant District Attorney General Thomas Fowler Jackson, Jr. by *Reeves.

***Senate Joint Resolution No. 28** -- Memorials, Recognition - Ross N. Robinson Middle School. by *Lundberg.

***Senate Joint Resolution No. 29** -- Memorials, Recognition - Andrew Johnson Elementary School. by *Lundberg.

***Senate Joint Resolution No. 30** -- Memorials, Recognition - John Adams Elementary School. by *Lundberg.

***Senate Joint Resolution No. 31** -- Memorials, Recognition - Major General Tommy H. Baker. by *Stevens.

***Senate Joint Resolution No. 32** -- Memorials, Personal Occasion - Joyce Cornelia Haywood Eidson, 91st birthday. by *Yarbro.

***Senate Joint Resolution No. 33** -- Memorials, Recognition - Peter Horne. by *McNally.

INTRODUCTION OF BILLS

On motion, the following bill was introduced and passed first consideration:

***House Bill No. 82** -- Health Care - As introduced, enacts the "Tennessee Medical Bill of Rights Act." - Amends TCA Title 2; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 29; Title 33; Title 34; Title 49; Title 56; Title 58; Title 63; Title 68 and Title 71. by *Russell.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 81** -- Civil Emergencies -- House Emergency Orders Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **October 28, 2021**, reported the following:

BANKING COMMITTEE

The Banking Committee recommended for passage: House Bill No. 73. Under the rules, each was transmitted to the Calendar and Rules Committee.

COVID-19 COMMITTEE

The Covid-19 Committee recommended for passage: House Joint Resolution No. 5, also House Bill No. 77 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill No. 53. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

ELECTIONS COMMITTEE

The Elections Committee recommended for passage: House Bills Nos. 72 and 2 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EMERGENCY ORDERS COMMITTEE

The Emergency Orders Committee recommended for passage: House Bill No. 75. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill No. 29. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY COMMITTEE

The Judiciary Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill No. 71, also House Bill No. 74 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

PUBLIC HEALTH COMMITTEE

The Public Health Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill No. 76. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS, AND MEANS COMMITTEE

The Finance, Ways, and Means Committee recommended for passage: House Bills Nos. 71 and 74, also House Bill No. 76 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar** for **October 29, 2021**: House Bills Nos. 77, 76, 72, 73, 75, 71, 74 and House Joint Resolution No. 5.

REPORTS FROM STANDING COMMITTEES

The committees that met on **October 29, 2021**, reported the following:

FINANCE, WAYS, AND MEANS COMMITTEE

The Finance, Ways, and Means Committee recommended for passage: House Bill No. 70. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar No. 2** for **October 29, 2021**: House Bill No. 70.

CONSENT CALENDAR

***House Joint Resolution No. 14** -- Memorials, Sports - Alishia Fayth Layne. by *Cepicky.

***House Joint Resolution No. 15** -- Memorials, Sports - Coach Rob Black, 100th win as head coach of Fulton High School football team. by *Carringer, *Johnson G, *Lafferty, *Mannis, *McKenzie, *Wright, *Zachary.

***House Joint Resolution No. 16** -- Memorials, Death - Father Fred Dettwiller. by *Freeman, *Clemmons.

***House Joint Resolution No. 17** -- Memorials, Recognition - Gold Star Families Memorial Marker Dedication. by *Cepicky, *Hardaway, *Reedy.

***House Joint Resolution No. 18** -- Memorials, Death - Father George Frederick "Fred" Dettwiller II. by *Powell, *Beck, *Freeman, *Lamberth, *Clemmons.

***House Joint Resolution No. 19** -- Memorials, Death - Sarah Hobson Stowers. by *Mannis, *Carringer, *Johnson G, *Lafferty, *McKenzie, *Wright, *Zachary, *Baum, *Beck, *Boyd, *Bricken, *Byrd, *Calfee, *Campbell S, *Camper, *Carr, *Casada, *Cepicky, *Chism, *Clemmons, *Cochran, *Curcio, *Darby, *Dixie, *Doggett, *Eldridge, *Faison, *Farmer, *Freeman, *Gant, *Garrett, *Griffey, *Grills, *Hakeem, *Halford, *Hall, *Hardaway, *Haston, *Hawk, *Hazlewood, *Helton, *Hicks G, *Hicks T, *Hodges, *Holsclaw, *Howell, *Hulsey, *Hurt, *Jernigan, *Johnson C, *Keisling, *Kumar, *Lamar, *Lamberth, *Leatherwood, *Littleton, *Love, *Lynn, *Marsh, *Miller, *Mitchell, *Moody, *Moon, *Ogles, *Parkinson, *Powell, *Powers, *Ramsey, *Reedy, *Rudd, *Rudder, *Russell, *Sexton C, *Shaw, *Sherrell, *Smith, *Sparks, *Stewart, *Terry, *Thompson, *Todd, *Towns, *Travis, *Vaughan, *Vital, *Warner, *Weaver, *White, *Whitson, *Williams, *Windle.

***House Joint Resolution No. 20** -- Memorials, Death - Kevin Lee Cordell. by *Mitchell, *Clemmons.

OBJECTION--CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Joint Resolution No. 16: by Rep. Freeman

Under the rules, House Joint Resolution No. 16, was placed at the heel of the calendar for October 30, 2021.

Rep. Mannis moved that all members voting aye on House Joint Resolution No. 19 be added as co-prime sponsors with the Knox County delegation listed first, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

Rep. Carringer moved that all members of the Knox County delegation voting aye on House Joint Resolution No. 15 be added as co-prime sponsors, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	91
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

Representatives present and not voting were: Gillespie, Weaver--2

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Joint Resolution No. 7** -- Memorials, Retirement - Waverly flood heroes. by *Reedy, *Freeman, *Sparks, *Lamberth, *Faison, *Moon, *Littleton, *Ogles, *Curcio, *Haston, *Hicks T, *White, *Helton, *Hurt, *Doggett, *Cepicky, *Moody, *Todd, *Baum, *Beck, *Boyd, *Bricken, *Byrd, *Calfee, *Campbell S, *Camper, *Carr, *Carringer, *Casada, *Chism, *Clemmons, *Cochran, *Darby, *Dixie, *Eldridge, *Farmer, *Gant, *Garrett, *Gillespie, *Griffey, *Grills, *Hakeem, *Halford, *Hall, *Hardaway, *Hawk, *Hazlewood, *Hicks G, *Hodges, *Holsclaw, *Howell, *Hulsey, *Jernigan, *Johnson C, *Johnson G, *Keisling, *Kumar, *Lafferty, *Lamar, *Leatherwood, *Love, *Lynn, *Mannis, *Marsh, *McKenzie, *Miller, *Mitchell, *Parkinson, *Powell, *Powers, *Ramsey, *Rudd, *Rudder, *Russell, *Sexton C, *Shaw, *Sherrell, *Smith, *Stewart, *Terry, *Thompson, *Towns, *Travis, *Vaughan, *Vital, *Warner, *Weaver, *Whitson, *Williams, *Windle, *Wright, *Zachary.

Further consideration of House Joint Resolution No. 7, previously considered on the Consent Calendar for October 28, 2021, at which time it was objected to and reset for today's Regular Calendar.

Rep. Reedy moved that all members voting aye on House Joint Resolution No. 7 be added as co-prime sponsors, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

Rep. Reedy moved adoption of House Joint Resolution No. 7.

RESOLUTION READ

The Clerk read House Joint Resolution No. 7.

***House Joint Resolution No. 7** -- Memorials, Retirement - Waverly flood heroes. by *Reedy, *Freeman, *Sparks, *Lamberth, *Faison, *Moon, *Littleton, *Ogles, *Curcio, *Haston, *Hicks T, *White, *Helton, *Hurt, *Doggett, *Cepicky, *Moody, *Todd.

Rep. Reedy moved adoption of **House Joint Resolution No. 7**, which motion prevailed by the following vote:

Ayes 93
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--93

A motion to reconsider was tabled.

***House Bill No. 77** -- Unemployment Compensation - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd. (SB14 by *McNally, *Johnson)

Rep. Zachary requested that House Bill No. 77 be moved down two places on today's Calendar, which motion prevailed.

***House Bill No. 76** -- Public Health - As introduced, grants governor exclusive jurisdiction to issue orders and directives regarding county health departments during a pandemic; vests county mayors with authority to issue orders relative to the health and safety of county residents; vests commissioner of health with exclusive authority to quarantine persons and businesses for purposes of COVID-19. - Amends TCA Title 4; Title 14; Title 58; Title 68, Chapter 2 and Chapter 550 of the Public Acts of 2021. by *Sexton C, *Vaughan, *Williams, *Griffey, *Leatherwood, *Zachary, *Cepicky, *Lynn, *Howell. (SB13 by *McNally, *Massey)

Rep. Vaughan moved that House Bill No. 76 be passed on third and final consideration.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 76 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1.

(a) Notwithstanding any law to the contrary, the commissioner of health has the sole authority to determine quarantine guidelines for:

(1) A person if the person tests positive for COVID-19. The quarantine of a person must be lifted if the person receives a negative antigen detection test result or a negative molecular diagnostic test result at any time during the quarantine period; and

(2) A private business or school for purposes of closing the private business or restricting the operation of the private business for purposes of COVID-19. The quarantine of a business must be lifted as soon as practicable after the commissioner is satisfied that the conditions at the business do not present a serious public health or safety threat with respect to the spread of COVID-19.

(b) A local health entity or official, mayor, governmental entity, or school does not have the authority to quarantine a person or private business for purposes of COVID-19.

(c) The commissioner may only establish quarantine guidelines by rules promulgated pursuant to the Uniform Administrative Procedures Act, complied in title 4, chapter 5.

SECTION 2. Section 4 of Chapter 550 of the Public Acts of 2021, as codified in Tennessee Code Annotated, Section 68-2-609, is amended by deleting subdivision (4) and substituting instead:

(4) Except during a declared state of emergency for a COVID-19 pandemic, rules and regulations as are necessary or appropriate to protect the general health and safety of the county.

SECTION 3. Tennessee Code Annotated, Section 68-2-603(a), is amended by deleting subdivision (6) and substituting instead:

(6) When the commissioner appoints a county health director pursuant to this subsection (a), the appointment shall be made in writing by the commissioner in concurrence with the county mayor of the county for which the appointment is made. The mayor shall submit a slate of not more than three (3) nominees to the commissioner for consideration within ten (10) days of a request for nominees by the commissioner. The commissioner may appoint a health director from the list of nominees, or may request additional nominees, or may appoint someone to the position that has not been nominated by the mayor. If the commissioner appoints someone who is not a nominee of the mayor, the

commissioner must first consult with the mayor and provide written justification as to why one (1) of the nominees was not selected.

SECTION 4. Tennessee Code Annotated, Section 68-2-601(i), is amended by deleting the subsection and substituting instead the following:

(i) A county health department or board of health of a county in existence prior to July 1, 1985, remains in existence after the effective date of this act. The regulations of such departments and boards remain in full force in effect to the extent such regulations do not conflict with Section 1 of this act.

SECTION 5. Tennessee Code Annotated, Section 68-2-609(1), is amended by deleting the subdivision and substituting:

(1) Except as provided in Sections 1 of this act, the quarantine of any place or person, if the county health officer finds that quarantine is necessary to protect the public health from an epidemic;

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. Hardaway moved that the House consider House Amendment No. 2 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes	24
Noes	69

Representatives voting aye were: Beck, Calfee, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Thompson, Towns, Windle--24

Representatives voting no were: Baum, Boyd, Bricken, Byrd, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--69

Rep. Zachary moved the previous question, which motion prevailed by the following vote:

Ayes	69
Noes	23

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth,

Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--69

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Thompson, Towns, Windle--23

Rep. Vaughan moved that **House Bill No. 76**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	67
Noes.....	23
Present and not voting.....	2

Representatives voting aye were: Baum, Boyd, Bricken, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulse, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--67

Representatives voting no were: Beck, Calfee, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Thompson, Towns--23

Representatives present and not voting were: Byrd, Campbell S--2

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 76** and have this statement entered in the Journal: Rep. Carr.

REGULAR CALENDAR, CONTINUED

***House Bill No. 77 -- Unemployment Compensation** - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd. (SB14 by *McNally, *Johnson)

Rep. Zachary requested that House Bill No. 77 be moved down two places on today's Calendar, which motion prevailed.

***House Bill No. 72** -- Election Laws - As introduced, requires partisan elections for all school board members. - Amends TCA Title 49, Chapter 2. by *Sexton C, *Cepicky, *Griffey, *Williams, *Smith, *Moody, *Lafferty, *Weaver, *Sherrell, *Cochran, *Reedy, *Lynn, *Todd. (SB9 by *McNally, *Bell, *Niceley)

Rep. Cepicky moved that House Bill No. 72 be passed on third and final consideration.

Rep. Moon moved adoption of Elections Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 72 by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-201, is amended by deleting the last sentence in subdivision (a)(1) and substituting instead the following:

All elections for school board members must be conducted on a partisan basis, and political parties may nominate candidates for school board membership by any method authorized under the rules of the party or by primary election under title 2.

SECTION 2. Tennessee Code Annotated, Section 49-2-201, is further amended by deleting subsection (d) and substituting the following:

(d)

(1)

(A) Primary elections in which candidates nominated for school boards are to appear on the regular August election ballot are held on the first Tuesday in May before the August election. In the years in which an election is held for president of the United States, a political party primary for offices to be elected in the regular August election shall be held on the same day as the presidential preference primary. In such event, the qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(2).

(B) Primary elections in which candidates nominated for school board are to appear on the regular November election ballot are held concurrently with the regular August election. The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(1).

(C) Primary elections in which candidates nominated for school board are to appear on a ballot other than the regular August or regular November election ballot are held on the first Tuesday in the third month before the election. If the first Tuesday

of the third month falls on a legal holiday, the election shall be held on the second Tuesday of the third month before the election.

(2) If the date for a primary election falls within ninety (90) days of an upcoming regular primary or general election being held in the jurisdiction, the commission or commissions may reset the date of the primary election to coincide with the regular primary or general election, even though this may be outside of the time period established herein. All dates dependent on the date of the election must be adjusted accordingly and any acts required to be done by these dates must be performed timely if done in accordance with the adjusted dates.

(3) The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a).

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

On motion, Elections Committee Amendment No. 1 was adopted.

Rep. Mitchell moved that the House consider House Amendment No. 2 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes	21
Noes.....	67
Present and not voting.....	1

Representatives voting aye were: Beck, Camper, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Thompson, Windle--21

Representatives voting no were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--67

Representatives present and not voting were: White--1

Rep. McKenzie moved that the House consider House Amendment No. 3 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes	22
Noes.....	67

Representatives voting aye were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Thompson, Windle--22

Representatives voting no were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Eldridge, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--67

Rep. Miller moved that House Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Cepicky moved that the House consider House Amendment No. 5 pursuant to **Rule No. 60 (B)**, which motion prevailed by the following vote:

Ayes	66
Noes.....	19
Present and not voting.....	3

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Campbell S, Carr, Carringer, Cepicky, Cochran, Curcio, Darby, Eldridge, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--66

Representatives voting no were: Calfee, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Hodges, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Shaw, Stewart, Thompson--19

Representatives present and not voting were: Casada, Powell, Travis--3

Rep. Cepicky moved adoption of House Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 72 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-201(a)(1), is amended by deleting the last sentence of the subdivision and substituting:

Elections for school board members may be conducted on a partisan or nonpartisan basis. If a school board election is conducted on a partisan basis, then a person seeking a position on the board may campaign as the nominee or representative of a political party, and political parties may nominate candidates for membership on the board by any method authorized under the rules of the party or by primary election under title 2.

SECTION 2. Tennessee Code Annotated, Section 49-2-201, is further amended by deleting subsection (d) and substituting the following:

(d)

(1)

(A) Primary elections in which candidates nominated for school boards are to appear on the regular August election ballot are held on the first Tuesday in May before the August election. In the years in which an election is held for president of the United States, a political party primary for offices to be elected in the regular August election shall be held on the same day as the presidential preference primary. In such event, the qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(2).

(B) Primary elections in which candidates nominated for school board are to appear on the regular November election ballot are held concurrently with the regular August election. The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(1).

(C) Primary elections in which candidates nominated for school board are to appear on a ballot other than the regular August or regular November election ballot are held on the first Tuesday in the third month before the election. If the first Tuesday of the third month falls on a legal holiday, the election shall be held on the second Tuesday of the third month before the election.

(2) If the date for a primary election falls within ninety (90) days of an upcoming regular primary or general election being held in the jurisdiction, the commission or commissions may reset the date of the primary election to coincide with the regular primary or general election, even though this may be outside of the time period established herein. All dates dependent on the date of the election must be adjusted accordingly and any acts required to be done by these dates must be performed timely if done in accordance with the adjusted dates.

(3) The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a).

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

On motion, House Amendment No. 5 was adopted by the following vote:

Ayes	66
Noes.....	20
Present and not voting.....	1

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Doggett, Eldridge, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--66

Representatives voting no were: Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Halford, Hardaway, Hodges, Jernigan, Johnson G, Keisling, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Stewart, Thompson--20

Representatives present and not voting were: Powell--1

Rep. Hardaway moved that the House consider House Amendment No. 6 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes	24
Noes.....	66
Present and not voting.....	1

Representatives voting aye were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Gillespie, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Thompson, Vaughan, Windle--24

Representatives voting no were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vital, Warner, Weaver, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--66

Representatives present and not voting were: White--1

Rep. Powers moved the previous question, which motion prevailed by the following vote:

Ayes	65
Noes.....	26
Present and not voting.....	1

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood,

Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, Weaver, Williams, Wright, Zachary, Mr. Speaker Sexton--65

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Griffey, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, Mannis, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Thompson, White, Whitson, Windle--26

Representatives present and not voting were: Travis--1

Rep. Cepicky moved that **House Bill No. 72**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	52
Noes.....	39
Present and not voting.....	2

Representatives voting aye were: Boyd, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Moody, Moon, Ogles, Powers, Ragan, Reedy, Rudd, Rudder, Sherrell, Smith, Sparks, Terry, Todd, Vital, Warner, Weaver, Williams, Wright, Zachary, Mr. Speaker Sexton--52

Representatives voting no were: Baum, Beck, Byrd, Calfee, Camper, Chism, Clemmons, Curcio, Darby, Dixie, Freeman, Gillespie, Hakeem, Halford, Hardaway, Hazlewood, Hodges, Jernigan, Johnson G, Keisling, Lamar, Love, Mannis, Marsh, McKenzie, Miller, Mitchell, Parkinson, Powell, Russell, Shaw, Stewart, Thompson, Towns, Travis, Vaughan, White, Whitson, Windle--39

Representatives present and not voting were: Bricken, Ramsey--2

A motion to reconsider was tabled.

***House Bill No. 77** -- Unemployment Compensation - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd. (SB14 by *McNally, *Johnson)

Rep. Zachary requested that House Bill No. 77 be moved to the heel of the Calendar, which motion prevailed.

***House Bill No. 73** -- Public Funds and Financing - As introduced, adds cash as a form of eligible collateral for purposes of the collateral required to be pledged to secure public deposits; decreases the collateral pledge level for public deposits held by collateral pool banks. - Amends TCA Title 9, Chapter 4. by *Sexton C, *Bricken, *Williams, *Sherrell, *Gillespie, *Leatherwood, *Rudd, *Johnson C, *Eldridge, *Hardaway, *Cepicky, *Lynn, *Hurt, *Ragan, *Marsh, *Camper, *Howell, *Todd. (SB10 by *McNally, *Bailey)

Rep. Bricken moved that **House Bill No. 73** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--93

A motion to reconsider was tabled.

***House Bill No. 75** -- Governor - As introduced, decreases the time a state of emergency may continue under an executive order or proclamation issued by the governor from 60 days to 45 days. - Amends TCA Title 58, Chapter 2, Part 1. by *Sexton C, *Curcio, *Griffey, *Hulsey, *Todd, *Williams, *Cepicky, *Lynn, *Ragan, *Howell. (SB12 by *McNally, *Jackson)

Rep. Curcio moved that **House Bill No. 75** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 76
Noes..... 14

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Chism, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Lynn, Mannis, Marsh, Miller, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--76

Representatives voting no were: Beck, Camper, Clemmons, Dixie, Hakeem, Johnson G, Lamar, Love, McKenzie, Mitchell, Parkinson, Powell, Stewart, Thompson--14

A motion to reconsider was tabled.

***House Bill No. 71** -- District Attorneys - As introduced, allows the attorney general and reporter to petition the court for appointment of a district attorney general pro tem if a district attorney general peremptorily and categorically refuses to prosecute all instances of a criminal offense without regard to facts or circumstances; requires the court to appoint a district attorney general pro tem if the court finds the district attorney general has refused to attend and prosecute according to law. - Amends TCA Title 8; Title 16 and Title 17. by *Sexton C, *Campbell S, *Griffey, *Sherrell, *Rudd. (SB8 by *McNally, *Stevens, *Roberts)

Rep. Campbell requested that House Bill No. 71 be moved down three places on today's Calendar, which motion prevailed.

***House Bill No. 74** -- Attorney General and Reporter - As introduced, requires the attorney general and reporter to seek a writ of mandamus or injunction from a court of competent jurisdiction to compel a public official who knowingly refuses to enforce and execute the orders and rules issued in an emergency to do so; requires the attorney general and reporter to seek a civil penalty of no more than \$10,000 for failure to enforce or execute emergency orders and rules and an additional \$1,000 per day that the official refuses to comply with the writ of mandamus or injunction. - Amends TCA Title 8, Chapter 6 and Title 58, Chapter 2. by *Sexton C, *Garrett, *Griffey, *Reedy, *Cepicky, *Todd. (SB11 by *McNally, *Powers)

BILL HELD ON DESK

Rep. Garrett moved that **House Bill No. 74** be held on the Clerk's desk, which motion prevailed.

RULES SUSPENDED

Rep. Lamberth moved that the rules be suspended in order to allow **House Bill No. 70** to be heard in the Finance, Ways & Means Committee this week, which motion prevailed.

RECESS MOTION

Rep. Lamberth moved that the House stand in recess 3:30 p.m., which motion prevailed.

ENGROSSED BILLS October 29, 2021

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 76; House Joint Resolutions Nos. 7, 14, 15, 17, 18, 19 and 20;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
October 29, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 72, 73 and 75;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 72; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 76; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 8 and 14; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 8 -- District Attorneys - As introduced, allows the attorney general and reporter to petition the court for appointment of a district attorney general pro tem if a district attorney general peremptorily and categorically refuses to prosecute all instances of a criminal offense without regard to facts or circumstances; requires the court to appoint a district attorney general pro tem if the court finds the district attorney general has refused to attend and prosecute according to law. - Amends TCA Title 8; Title 16 and Title 17. by *McNally, *Stevens, *Roberts. (*HB71 by *Sexton C, *Campbell S, *Griffey, *Sherrell, *Rudd)

Senate Bill No. 14 -- Unemployment Compensation - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *McNally, *Johnson, *Roberts. (*HB77 by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd)

MESSAGE FROM THE SENATE
October 29, 2021

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 5; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Joint Resolution No. 5** -- General Assembly, Statement of Intent or Position - Addresses the federal government's penalizing, or taxation of, citizens of this State through enforcement of restrictions relative to COVID-19 by supporting the challenging, condemning, and nullifying of such action. by *McNally, *White, *Roberts.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Sexton.

ROLL CALL DISPENSED

On motion of Rep. Lamberth, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 5** -- General Assembly, Statement of Intent or Position - Addresses the federal government's penalizing, or taxation of, citizens of this State through enforcement of restrictions relative to COVID-19 by supporting the challenging, condemning, and nullifying of such action. by *Sexton C, *Ragan, *Williams, *Weaver, *Sherrell, *Howell, *Leatherwood, *Rudd, *Faison, *Lynn, *Zachary, *Russell, *Cochran, *Reedy, *Cepicky, *Todd, *Littleton.

On motion, **Senate Joint Resolution No. 5** was substituted for House Joint Resolution No. 5.

Rep. Ragan moved that the House concur in Senate Joint Resolution No. 5.

Rep. Ragan moved that the House consider House Amendment No. 1 pursuant to **Rule No. 60 (B)**, which motion prevailed by the following vote:

Ayes	69
Noes.....	14

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--69

Representatives voting no were: Beck, Camper, Clemmons, Dixie, Hardaway, Hodges, Jernigan, Johnson G, Love, Mitchell, Powell, Shaw, Stewart, Thompson--14

Rep. Ragan moved adoption of House Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 5 by deleting all language after the caption and substituting:

WHEREAS, on September 9, 2021, the President of the United States announced an executive order that mandates COVID-19 vaccinations for employees of federal contractors and subcontractors; and

WHEREAS, President Biden also announced a forthcoming Emergency Temporary Standard (ETS) to be issued by the Occupational Safety and Health Administration (OSHA) regarding COVID-19 vaccinations or routine testing for employers with more than 100 employees; and

WHEREAS, part of the President's COVID-19 Action Plan includes having the Centers for Medicare & Medicaid Services (CMS) require COVID-19 vaccinations for workers in most healthcare settings that receive Medicare or Medicaid reimbursement, including hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies; and

WHEREAS, the new CMS requirements will be in addition to the vaccination requirement for nursing facilities previously announced by CMS, and will apply to nursing home staff as well as staff in hospitals and other CMS-regulated settings, including clinical staff, individuals providing services under arrangements, volunteers, and staff who are not involved in direct patient, resident, or client care; and

WHEREAS, federalism is described and analyzed in *Bond v. United States*, 564 U.S. 211 (2011), in which the United States Supreme Court declared that the federal system rests on the insight that "freedom is enhanced by the creation of two governments, not one"; and

WHEREAS, the Court further stated that this freedom is enhanced "first by protecting the integrity of the [two] governments themselves, and second by protecting the people, from whom all governmental powers are derived"; and

WHEREAS, federalism serves "to grant and delimit the prerogatives and responsibilities of the States and the National Government vis-a-vis one another . . . [and] preserves the integrity, dignity, and residual sovereignty of the States"; and

WHEREAS, this federal balance "ensure[s] that States function as political entities in their own right"; and

WHEREAS, "[b]y denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary

power. When government acts in excess of its lawful powers, that liberty is at stake"; and

WHEREAS, the limitations prescribed under federalism are not "a matter of rights belonging only to the States. States are not the sole intended beneficiaries of federalism. An individual has a direct interest in objecting to laws that upset the constitutional balance between the National Government and the States"; and

WHEREAS, the United States Supreme Court in *National Federation of Independent Business (NFIB) v. Sebelius*, 567 U.S. 519 (2012), further analyzed federalism and the Tenth Amendment to the United States Constitution; and

WHEREAS, the Court acknowledged that a government's "police power" is the general power of governing, possessed by the states but not by the federal government as the federal government only possesses enumerated powers listed in the United States Constitution; and

WHEREAS, the Constitution's express conferral of some powers for the federal government makes clear that it does not grant others, and the federal government can exercise only the powers granted to it; and

WHEREAS, the independent power of the states serves as a check on the power of the federal government; by denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power; and

WHEREAS, the federal government may create incentives for states to act in accordance with federal policies, but when pressure turns into compulsion, it runs contrary to federalism, and the Constitution does not give federal government the authority to require the states to regulate, regardless of whether the federal government directly commands a state to regulate or indirectly coerces a state to adopt a federal regulatory system as its own; and

WHEREAS, assertions of federal authority must be grounded in some constitutional grant of power, with the most common basis for federal intervention in private affairs being the Constitution's Commerce Clause, which empowers Congress "to regulate commerce . . . among the several states"; and

WHEREAS, in *NFIB v. Sebelius*, the Supreme Court held that the Commerce Clause cannot be used to compel individuals to engage in activity, even when such activity has an impact on interstate commerce; and

WHEREAS, while the compelled activity in *NFIB* was purchasing health insurance, the logic applies with equal force to a federal mandate to get an injection or submit to a weekly test, as foreshadowed by Chief Justice John Roberts, writing for the majority, when he rejected an interpretation of the Commerce Clause that would allow, for example, Congress to pass a law requiring individuals to buy vegetables to promote healthier eating habits; and

WHEREAS, reliance by the federal government on OSHA to implement a federal mandate represents an egregious overstepping of the authority that is granted to OSHA

under the 1970 Occupational Safety and Health Act, as nothing in that law even hints at the sweeping powers the President has claimed; and

WHEREAS, the Occupation Safety and Health Act's reference to "substances or agents" strongly suggests that OSHA's ETS power is meant to target workplace hazards like dangerous chemicals and not naturally occurring hazards like viruses; and

WHEREAS, decisions regarding any vaccine mandate properly belong to the states, not the federal government, and United States Supreme Court precedents on the validity of vaccine mandates under *Jacobson v. Massachusetts*, 197 U.S. 11 (1905) and *Zucht v. King*, 260 U.S. 174 (1922), involve state, not federal, laws, and are part of the broad "police powers" enjoyed by the states; and

WHEREAS, the announced executive orders and COVID-19 Action Plan are attempts by the federal government to coerce the State of Tennessee and its citizens in violation of both the United States Constitution and the Tennessee Constitution; and

WHEREAS, each member of the General Assembly has taken an oath to uphold the Constitution of Tennessee and the Constitution of the United States; and

WHEREAS, if the federal government intends to overreach its authority to the point that it assumes the traditional constitutional role of a state legislative body, it is only fitting and proper that the very existence, as well as the depth and breadth, of this federal power be condemned and challenged not just in a court of law, but also through actions of the General Assembly to nullify such federal overreach; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the State of Tennessee condemns any attempt by the federal government to penalize citizens of this State in an effort to enforce an unconstitutional mandate regarding COVID-19 vaccinations or other COVID-related restrictions and requirements.

BE IT FURTHER RESOLVED that it is the right of the Tennessee General Assembly to enact such legislation as it deems necessary to nullify actions taken by the federal government regarding COVID-19 when those actions violate the United States Constitution.

BE IT FURTHER RESOLVED that the Tennessee General Assembly urges the Attorney General and Reporter of the State of Tennessee to initiate or intervene in one or more civil actions on behalf of the State of Tennessee or, in the alternative, seek appropriate relief in a federal court of competent jurisdiction regarding COVID-19 mandates issued by the federal government, and any actions taken by the federal government, including the President of the United States, the head of any department or agency, or any other employee of the executive branch of the federal government, in violation of federal law or as prohibited by the Tenth Amendment to the United States Constitution, or any other statutory or constitutional provisions of the United States or the State of Tennessee, with respect to the implementation or enforcement in this State of any provision of the federal government's mandate that requires citizens of this State to either receive a COVID-19 vaccination or submit to routine testing.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Attorney General and Reporter of Tennessee.

On motion, House Amendment No. 1 was adopted.

The Clerk read Senate Joint Resolution No. 5, as amended.

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative McKenzie

Representative Parkinson

Representative Hakeem

Representative Miller

PRESENT IN CHAMBER

Rep. Harris was recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

Rep. Powers moved the previous question, which motion prevailed.

Rep. Ragan moved that the House concur in **Senate Joint Resolution No. 5**, as amended, which motion prevailed by the following vote:

Ayes	64
Noes.....	17
Present and not voting.....	3

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, Weaver, White, Williams, Wright, Zachary, Mr. Speaker Sexton--64

Representatives voting no were: Beck, Camper, Chism, Clemmons, Curcio, Dixie, Freeman, Hardaway, Harris, Hodges, Jernigan, Johnson G, Love, Mitchell, Powell, Shaw, Stewart--17

Representatives present and not voting were: Gillespie, Travis, Windle--3

A motion to reconsider was tabled.

***House Bill No. 71** -- District Attorneys - As introduced, allows the attorney general and reporter to petition the court for appointment of a district attorney general pro tem if a district attorney general peremptorily and categorically refuses to prosecute all instances of a criminal offense without regard to facts or circumstances; requires the court to appoint a district attorney general pro tem if the court finds the district attorney general has refused to attend and prosecute according to law. - Amends TCA Title 8; Title 16 and Title 17. by *Sexton C, *Campbell S, *Griffey, *Sherrell, *Rudd. (SB8 by *McNally, *Stevens, *Roberts)

On motion, House Bill No. 71 was made to conform with **Senate Bill No. 8**; the Senate Bill was substituted for the House Bill.

Rep. Campbell moved that Senate Bill No. 8 be passed on third and final consideration.

RECESS MOTION

Without objection, the House stood in recess for five minutes.

MESSAGE FROM THE SENATE October 29, 2021

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 7; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 7 -- Appropriations - As introduced, makes appropriations sufficient to provide the first year's funding for any act which receives final passage during the third extraordinary session of the 112th General Assembly. by *McNally, *Watson. (*HB70 by *Sexton C, *Hazlewood, *Griffey)

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Sexton.

ROLL CALL DISPENSED

On motion of Rep. Marsh, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

Rep. Camper moved that House Amendment No. 1 be withdrawn, which motion prevailed.

EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Lamar

REGULAR CALENDAR, CONTINUED

Rep. Warner moved the previous question, which motion prevailed.

Rep. Campbell moved that **Senate Bill No. 8** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	64
Noes.....	17
Present and not voting.....	4

Representatives voting aye were: Baum, Boyd, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Curcio, Darby, Doggett, Eldridge, Farmer, Garrett, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, Weaver, White, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--64

Representatives voting no were: Beck, Bricken, Camper, Chism, Clemmons, Dixie, Freeman, Griffey, Hardaway, Harris, Hodges, Jernigan, Johnson G, Mitchell, Powell, Shaw, Stewart--17

Representatives present and not voting were: Gant, Gillespie, Travis, Whitson--4

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "no" on **Senate Bill No. 8** and have this statement entered in the Journal: Rep. Love.

SPECIAL ORDER

Without objection, Rep. Lamberth moved the House take up the Message Calendar, out of order at this time as follows:

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 72** -- Election Laws - As introduced, requires partisan elections for all school board members. - Amends TCA Title 49, Chapter 2. by *Sexton C, *Cepicky, *Griffey, *Williams, *Smith, *Moody, *Lafferty, *Weaver, *Sherrell, *Cochran, *Reedy, *Lynn, *Todd. (SB9 by *McNally, *Bell, *Niceley)

Senate Amendment No. 2

AMEND House Bill No. 72 by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-201, is amended by deleting the last sentence in subdivision (a)(1) and substituting instead the following:

Elections for school board members may be conducted on a partisan or nonpartisan basis. If at least one (1) county primary board of a political party elects to conduct school board elections on a partisan basis, then a person seeking a position on any board in that county may campaign as the nominee or representative of a political party, and political parties may nominate candidates for membership on the board by any method authorized under the rules of the party or by primary election under title 2.

SECTION 2. Tennessee Code Annotated, Section 49-2-201, is further amended by deleting subsection (d) and substituting the following:

(d)

(1)

(A) Primary elections in which candidates nominated for school boards are to appear on the regular August election ballot are held on the first Tuesday in May before the August election. In the years in which an election is held for president of the United States, a political party primary for offices to be elected in the regular August election shall be held on the same day as the presidential preference primary. In such event, the qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(2).

(B) Primary elections in which candidates nominated for school board are to appear on the regular November election

ballot are held concurrently with the regular August election. The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(1).

(C) Primary elections in which candidates nominated for school board are to appear on a ballot other than the regular August or regular November election ballot may be held on the first Tuesday in the third month before the election. If the first Tuesday of the third month falls on a legal holiday, the election shall be held on the second Tuesday of the third month before the election. Nothing in this subdivision (d)(1)(C) requires a primary election to be held, political parties may elect to nominate candidates for membership on the board by any method authorized under the rules of the party pursuant to subdivision (a)(1).

(2) If the date for a primary election falls within ninety (90) days of an upcoming regular primary or general election being held in the jurisdiction, the commission or commissions may reset the date of the primary election to coincide with the regular primary or general election, even though this may be outside of the time period established herein. All dates dependent on the date of the election must be adjusted accordingly and any acts required to be done by these dates must be performed timely if done in accordance with the adjusted dates.

(3) The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a).

(4) If the county executive committee timely filed a notice with the county election commission directing the commission to hold a May primary election in 2022, then within thirty (30) days of the effective date of this act, the county executive committee may file a supplemental notice, in writing, to include school board offices to be elected in the regular August election within the county.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 3

AMEND House Bill No. 9072 by deleting Section 3 and substituting instead the following:

SECTION 3. No later than thirty (30) days after the effective date of this act, a county executive committee may direct, in writing, the county election commission to hold a primary for school board offices to be elected in the regular November 2022 election.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Rep. Cepicky moved that the House concur in Senate Amendments Nos. 2 and 3 to **House Bill No. 72**, which motion prevailed by the following vote:

Ayes	57
Noes.....	23
Present and not voting.....	4

Representatives voting aye were: Baum, Boyd, Byrd, Carr, Carringer, Casada, Cepicky, Cochran, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Moody, Moon, Ogles, Powers, Ragan, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vital, Warner, Weaver, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--57

Representatives voting no were: Beck, Calfee, Camper, Chism, Clemmons, Curcio, Dixie, Freeman, Gillespie, Halford, Hardaway, Harris, Hodges, Jernigan, Johnson G, Love, Mitchell, Powell, Shaw, Stewart, Vaughan, White, Windle--23

Representatives present and not voting were: Bricken, Mannis, Ramsey, Travis--4

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on the **motion to concur in Senate Amendments Nos. 2 and 3 to House Bill No. 72** and have this statement entered in the Journal: Rep. Whitson.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 76** -- Public Health - As introduced, grants governor exclusive jurisdiction to issue orders and directives regarding county health departments during a pandemic; vests county mayors with authority to issue orders relative to the health and safety of county residents; vests commissioner of health with exclusive authority to quarantine persons and businesses for purposes of COVID-19. - Amends TCA Title 4; Title 14; Title 58; Title 68, Chapter 2 and Chapter 550 of the Public Acts of 2021. by *Sexton C, *Vaughan, *Williams, *Griffey, *Leatherwood, *Zachary, *Cepicky, *Lynn, *Howell. (SB13 by *McNally, *Massey)

Rep. Vaughan moved that the House non-concur in Senate Amendment No. 1 to **House Bill No. 76**, which motion prevailed.

SPECIAL ORDER

Without objection, Rep. Lamberth moved the House take up the Consent Calendar No. 2, out of order at this time as follows:

CONSENT CALENDAR NO. 2

House Resolution No. 1 -- Memorials, Death - Michael R. Feldman. by *Clemmons.

***House Joint Resolution No. 21** -- Memorials, Death - Nevin Wax. by *Rudd, *Terry, *Sparks, *Baum.

***Senate Joint Resolution No. 1** -- Memorials, Death - Virginia Rose Clockadale Paduch. by *Crowe.

***Senate Joint Resolution No. 2** -- Memorials, Recognition - Herb Greenlee. by *Crowe.

***Senate Joint Resolution No. 3** -- Memorials, Death - Deputy Matthew Stephen Locke. by *Walley.

***Senate Joint Resolution No. 4** -- Memorials, Recognition - Madison County, bicentennial. by *Jackson.

***Senate Joint Resolution No. 6** -- Memorials, Recognition - Youth Builders, 75th anniversary. by *Southerland.

***Senate Joint Resolution No. 7** -- Memorials, Sports - Chuckey-Doak Middle School volleyball team. by *Southerland.

***Senate Joint Resolution No. 8** -- Memorials, Sports - South Greene Middle School football team. by *Southerland.

***Senate Joint Resolution No. 9** -- Memorials, Professional Achievement - Beau Christian, Sim Star Award. by *Niceley, *Southerland.

***Senate Joint Resolution No. 10** -- Memorials, Recognition - Phillip Cutshaw, Presidential Awards for Excellence in Mathematics and Science Teaching finalist. by *Southerland.

***Senate Joint Resolution No. 11** -- Memorials, Recognition - Wesley Miller, Hometown Hero. by *Southerland.

***Senate Joint Resolution No. 12** -- Memorials, Sports - Stephen Gregg, South Greene High School Lady Rebels Volleyball Coach. by *Southerland.

***Senate Joint Resolution No. 13** -- Memorials, Sports - North Greene High School boys' golf team, Region 1-A runner up. by *Southerland.

***Senate Joint Resolution No. 14** -- Memorials, Sports - South Greene High School girls' golf team, TSSAA Region 1-A Championship. by *Southerland, *Stevens, *Roberts.

***Senate Joint Resolution No. 15** -- Memorials, Recognition - Dr. Amanda Ford. by *Southerland.

***Senate Joint Resolution No. 16** -- Memorials, Recognition - Sergeant Danny Ray Reece. by *Southerland.

***Senate Joint Resolution No. 17** -- Memorials, Recognition - Doyle Lawson, Governor's Award. by *Southerland.

***Senate Joint Resolution No. 18** -- Memorials, Recognition - Doty Family Reunion, 80th anniversary. by *Southerland.

***Senate Joint Resolution No. 19** -- Memorials, Heroism - Staff Sergeant Ryan Knauss, United States Army. by *Massey, *Briggs.

***Senate Joint Resolution No. 20** -- Memorials, Recognition - Carl Burton Douglas, roadway dedication. by *Yager, *McNally.

***Senate Joint Resolution No. 21** -- Memorials, Death - Carl R. Moore. by *Lundberg, *Crowe, *Southerland, *Akbari, *Bailey, *Bell, *Bowling, *Briggs, *Campbell, *Gardenhire, *Gilmore, *Haile, *Hensley, *Jackson, *Johnson, *Kelsey, *Kyle, *Massey, *Niceley, *Pody, *Powers, *Reeves, *Roberts, *Robinson, *Rose, *Stevens, *Swann, *Walley, *Watson, *White, *Yager, *Yarbro, *McNally.

***Senate Joint Resolution No. 22** -- Memorials, Retirement - M. Denis "Pete" Peterson. by *Crowe.

***Senate Joint Resolution No. 23** -- Memorials, Death - Joni Perkins Cannon. by *Crowe.

***Senate Joint Resolution No. 24** -- Memorials, Sports - Providence Christian Academy girls' golf team, TSSAA Division II, Class A girls state champions. by *Reeves, *White.

***Senate Joint Resolution No. 25** -- Memorials, Sports - Evan Woosley-Reed, TSSAA Division I, Class A boys individual state golf champion. by *Reeves.

***Senate Joint Resolution No. 26** -- Memorials, Sports - Caroline Pardue, TSSAA Division II, Class A girls individual state golf champion. by *Reeves, *White.

***Senate Joint Resolution No. 27** -- Memorials, Retirement - Assistant District Attorney General Thomas Fowler Jackson, Jr. by *Reeves.

***Senate Joint Resolution No. 28** -- Memorials, Recognition - Ross N. Robinson Middle School. by *Lundberg.

***Senate Joint Resolution No. 29** -- Memorials, Recognition - Andrew Johnson Elementary School. by *Lundberg.

***Senate Joint Resolution No. 30** -- Memorials, Recognition - John Adams Elementary School. by *Lundberg.

***Senate Joint Resolution No. 31** -- Memorials, Recognition - Major General Tommy H. Baker. by *Stevens.

***Senate Joint Resolution No. 32** -- Memorials, Personal Occasion - Joyce Cornelia Haywood Eidson, 91st birthday. by *Yarbro.

***Senate Joint Resolution No. 33** -- Memorials, Recognition - Peter Horne. by *McNally.

Rep. Wright moved that all members voting aye on Senate Joint Resolution No. 19 be added as co-prime sponsors with the Knox County delegation listed first and the Veterans Caucus listed second, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, Mitchell, Moody, Moon, Ogles, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--87

A motion to reconsider was tabled.

SPECIAL ORDER

Without objection, Rep. Gant moved the House take up Regular Calendar No. 2, out of order at this time as follows:

REGULAR CALENDAR NO. 2

***House Bill No. 70** -- Appropriations - As introduced, makes appropriations sufficient to provide the first year's funding for any act which receives final passage during the third extraordinary session of the 112th General Assembly. by *Sexton C, *Hazlewood, *Griffey. (SB7 by *McNally, *Watson)

On motion, House Bill No. 70 was made to conform with **Senate Bill No. 7**; the Senate Bill was substituted for the House Bill.

Rep. Hazlewood moved that **Senate Bill No. 7** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 73
Noes 13

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Chism, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--73

Representatives voting no were: Beck, Camper, Clemmons, Dixie, Hardaway, Harris, Hodges, Jernigan, Johnson G, Love, Mitchell, Powell, Stewart--13

A motion to reconsider was tabled.

RECESS MOTION

Rep. Lamberth moved that the House stand in recess until 6:00 p.m., which motion prevailed.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Sexton.

ROLL CALL DISPENSED

On motion of Rep. Lamberth the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

***House Bill No. 77** -- Unemployment Compensation - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd. (SB14 by *McNally, *Johnson)

On motion, House Bill No. 77 was made to conform with **Senate Bill No. 14**; the Senate Bill was substituted for the House Bill.

Rep. Zachary moved that Senate Bill No. 14 be passed on third and final consideration.

FRIDAY, OCTOBER 29, 2021 – THIRD LEGISLATIVE DAY – THIRD EXTRAORDINARY SESSION

Rep. Farmer requested that Covid-19 Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Garrett requested that House Amendment No. 2 be placed at the heel of the amendments.

Rep. Hulsey moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Hulsey moved that House Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Grills moved that House Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Hardaway moved that House Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Hardaway moved that the House consider House Amendment No. 7 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes 13
Noes..... 69

Representatives voting aye were: Camper, Chism, Clemmons, Freeman, Hardaway, Harris, Hodges, Jernigan, Johnson G, Mitchell, Powell, Shaw, Stewart--13

Representatives voting no were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--69

Rep. Griffey moved that House Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Hardaway moved that the House consider House Amendment No. 9 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes 12
Noes..... 68

Representatives voting aye were: Camper, Chism, Clemmons, Freeman, Hardaway, Harris, Hodges, Jernigan, Johnson G, Mitchell, Powell, Stewart--12

Representatives voting no were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ramsey, Reedy, Rudd, Rudder, Russell,

Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--68

Rep. Hardaway moved that the House consider House Amendment No. 10 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes	11
Noes.....	68

Representatives voting aye were: Camper, Clemmons, Freeman, Hardaway, Harris, Hodges, Jernigan, Johnson G, Mitchell, Powell, Stewart--11

Representatives voting no were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--68

Rep. Hardaway moved that the House consider House Amendment No. 11 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes	12
Noes.....	67
Present and not voting.....	1

Representatives voting aye were: Camper, Chism, Clemmons, Hardaway, Harris, Hodges, Jernigan, Johnson G, Mitchell, Powell, Stewart, Vaughan--12

Representatives voting no were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Powers, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--67

Representatives present and not voting were: Ogles--1

Rep. Zachary moved that the House consider House Amendment No. 12 pursuant to **Rule No. 60 (B)**, which motion prevailed by the following vote:

Ayes	61
Noes.....	17
Present and not voting.....	2

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh,

Moody, Ogles, Powers, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, Weaver, White, Williams, Wright, Zachary, Mr. Speaker Sexton--61

Representatives voting no were: Camper, Chism, Clemmons, Curcio, Hardaway, Harris, Hazlewood, Hodges, Jernigan, Johnson G, Mannis, Mitchell, Powell, Stewart, Travis, Whitson, Windle--17

Representatives present and not voting were: Moon, Ramsey--2

Rep. Zachary moved adoption of House Amendment No. 12 as follows:

Amendment No. 12

AMEND Senate Bill No. 14 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, is amended by adding the following as a new title:

Title 14 – COVID-19

Chapter 1 – General Provisions

14-1-101. Definitions.

As used in this title, unless the context otherwise requires:

(1) "Adverse action" means to:

(A) Discriminate against a person by denying the person employment, privileges, credit, insurance, access, products, services, or other benefits; or

(B) Discharge, threaten, or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, locations, rights, immunities, promotions, or privileges;

(2) "Applicant" means a person who has applied for employment with an employer;

(3) "Arising from COVID-19" means caused by or resulting from the actual, alleged, or possible exposure to or contraction of COVID-19, or caused by or resulting from services, treatment, or other actions in response to COVID-19, including, but not limited to:

(A) Implementing policies and procedures to prevent or minimize the spread of COVID-19; however, "arising from COVID-19" does not include implementing policies and procedures that violate this title;

(B) Testing;

(C) Monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating COVID-19 exposure or other COVID-19-related information;

(D) Using, designing, manufacturing, providing, donating, or servicing precautionary, diagnostic, collection, or other health equipment or supplies, such as personal protective equipment;

(E) Closing or partially closing to prevent or minimize the spread of COVID-19;

(F) Delaying or modifying the schedule or performance of any medical procedure; or

(G) Providing services or products in response to government appeal or repurposing operations to address an urgent need for personal protective equipment, sanitation products, or other products necessary to protect the public;

(4) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any variant of SARS-CoV-2 or COVID-19;

(5) "COVID-19 vaccine" means a substance used to stimulate the production of antibodies and provide protection against COVID-19, prepared from the causative agent of COVID-19, its products, or a synthetic substitute, and treated to act as an antigen without inducing a COVID-19 infection;

(6) "Employee" means a natural person who performs services for an employer for valuable consideration, and includes an applicant for employment with the employer;

(7) "Face covering" means a protective covering designed to be worn over the nose and mouth to reduce the spread of COVID-19, but "face covering" does not include an industry-required mask;

(8) "Governmental entity":

(A) Means a state department, agency, or political subdivision, including a city, town, municipality, metropolitan government, county, utility district, public building authority, housing authority, emergency communications district, county board of health, a development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities; and

(B) Does not include a school or LEA, as defined in § 49-1-103;

(C) Does not include a Medicare or Medicaid certified provider, but only to the extent such provider is subject to a valid and enforceable

Medicare or Medicaid condition of participation that imposes a requirement contrary to this title; and

(D) Does not include an entity operating on property owned, managed, or secured by the federal government, but only to the extent such entity is subject to a valid and enforceable federal requirement contrary to this title;

(9) "Healthcare provider" means a healthcare practitioner, person, or facility licensed, authorized, certified, registered, or regulated under title 33, title 63, title 68, federal law or order, or an executive order of the governor, including but not limited to any employees, agents, or contractors of such a practitioner, person, or facility, and residents, interns, students, fellows, or volunteers of an accredited school or of such school's affiliated teaching or training hospitals or programs in this state;

(10) "Industry-required mask" means a face covering, protective cover, or prophylactic device designed to be worn over the nose and mouth for a particular industry that may prevent the spread of COVID-19, but that would be used in the particular industry regardless of the risk of exposure to COVID-19;

(11) "Legal guardian" means a person or entity that has the legal authority to provide for the care, supervision, or control of a minor as established by law or court order;

(12) "Minor":

(A) Means a person who has not attained eighteen (18) years of age;

(B) Does not include a person who has been emancipated pursuant to title 29, chapter 31; and

(C) Does not include a person who is seventeen (17) years of age and is enlisted in the military;

(13) "Monoclonal antibodies" means bamlanivimab plus etesevimab, casirivimab plus imdevimab, sotrovimab, or any other anti-COVID-19 monoclonal antibody products that target the spike protein of COVID-19 and are approved or authorized by the federal food and drug administration for use as a treatment or prophylaxis for a COVID-19 infection;

(14) "Person" means a natural person;

(15) "Private business" means a person, sole proprietorship, corporation, limited liability company, partnership, trust, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), or any other legal or non-governmental entity whether formed as a for-profit or not-for-profit entity engaged in business or commerce in this state, but does not include:

(A) A school;

(B) A Medicare or Medicaid certified provider, but only to the extent such provider is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a requirement contrary to this title;

(C) A facility that prepares food for distribution and consumption, but only to the extent such facility is subject to a valid and enforceable federal inspection requirement contrary to this title; or

(D) An entity operating on property owned, managed, or secured by the federal government, but only to the extent such entity is subject to a valid and enforceable federal requirement contrary to this title;

(16) "Proof of vaccination" means physical documentation or digital storage of a person's receipt of a COVID-19 vaccine;

(17) "Quarantine" means:

(A) The limitation or restriction of a person's freedom of movement or isolation of a person, or preventing or restricting access to premises upon which the person or the cause or source of COVID-19 may be found, for a period of time to prevent the spread of COVID-19; and

(B) Limiting or restricting the operation of a private business to prevent the spread of COVID-19;

(18) "School" means:

(A) A public elementary or secondary school operated by a local education agency or by the state with public funds, including a charter school;

(B) A private school, as defined in § 49-6-3001;

(C) A public or private child care agency, as defined in § 71-3-501; child care program, as defined in § 49-1-1102; preschool; or nursery school; and

(D) A public or private postsecondary educational institution;

(19) "School property" means all real property, improvements to real property, and facilities used for school purposes; and

(20) "Severe conditions" means:

(A) The governor has declared a state of emergency for COVID-19 pursuant to § 58-2-107; and

(B) A county has an average rolling fourteen-day COVID-19 infection rate of at least one thousand (1,000) new known infections for every one hundred thousand (100,000) residents of the county based on the most recent data published by the department of health. For purposes of this subdivision (20)(B), the number of new cases per one hundred thousand (100,000) persons within the last fourteen (14) days is calculated by adding the number of new cases in the county in the last fourteen (14) days divided by the population in the county by one hundred thousand (100,000).

14-1-102. Findings.

The general assembly finds that:

(1) Setting forth the rights of people in the context of COVID-19 restrictions in a statute assists the citizens of this state in the enforcement and protection of their rights and creates a safe harbor for those desiring to avoid litigation;

(2) Tennessee, as a great southern state within our federal system of government, is free to enact laws to protect the health and safety of its citizens under the police powers inherent to all states of a federal system of government;

(3) The United States Constitution does not prohibit the states from regulating health and medical practices, nor does it require any person to consent to any form of medical treatment, directly or indirectly, in relation to COVID-19;

(4) The right at common law to personal security and the liberty to be free from an unwanted touching of one's limbs and body was retained by the people of this state, and that right includes rights and duties with respect to medical treatment administered by other persons, such as through COVID-19 vaccinations;

(5) Informed consent between patients and healthcare practitioners protects the rights at common law of persons and all such consent must be voluntary and not given under duress, coercion, misrepresentation, or fraud; and

(6) Consistent with our constitutionally recognized and inalienable right of liberty, every person within this state is and must remain free to choose or to decline to be vaccinated against COVID-19 without penalty or threat of penalty

14-1-103. Broad construction to safeguard liberty.

The purpose of this title is to safeguard the constitutional rights and liberty interests of persons during the COVID-19 pandemic. This title must be construed broadly to effectuate the purpose described in this section.

14-1-104. Construction with other laws.

(a) Notwithstanding title 58, chapter 2 or any other law to the contrary, the governor, a governmental entity, or a public official shall not suspend any provision of this title, regardless of whether there is a state of emergency.

(b) This title is in addition and supplemental to all other provisions of state law; wherever the application of this title conflicts with the application of other provisions of state law, this title prevails.

Chapter 2 – Uniform Standards

14-2-101. COVID-19 vaccine mandates by governmental entities.

A governmental entity or official, school, or LEA shall not mandate that a:

(1) Person receive a COVID-19 vaccine; or

(2) Private business or school require proof of vaccination as a condition to access the private business's or school's premises or facilities or to receive the benefits of the private business's or school's products or services.

14-2-102. COVID–19 vaccine status.

A private business, governmental entity, school, or local education agency shall not compel a person to provide proof of vaccination if the person objects to receiving a COVID-19 vaccine for any reason.

14-2-103. Face coverings generally.

(a) Notwithstanding any law to the contrary and except as otherwise provided in subsection (c):

(1) Unless severe conditions exist and the requirement is in effect for no more than fourteen (14) days, a governmental entity or private business shall not require a person to wear a face covering:

(A) As a condition to access the governmental entity's or private business's premises or facilities, or to receive the benefits of the governmental entity's or private business's products or services; or

(B) As a term or condition of employment. For purposes of this subdivision (a)(1)(B), a “term or condition of employment” includes any adverse action against an employee for failing to wear a face covering.

(b) A governmental entity or private business may renew its face covering requirement for additional fourteen-day periods if severe conditions continue to exist each time the face covering requirement is renewed by the governmental entity or private business. If, at the end of a fourteen-day period, severe conditions no longer exist, then the governmental entity or private business shall not renew the governmental entity's or private business's face covering requirement or otherwise require a person to wear a face covering as a condition to access the governmental entity's or private

business's premises or facilities, to receive the benefits of the governmental entity's or private business's products or services, or as a term or condition of employment.

(c) Notwithstanding subsection (a), a governmental entity or private business shall not require a person to wear a face covering if the person provides documentation from the person's healthcare provider that wearing a face covering is contraindicated for the person, or if the person objects to wearing a face covering because of the person's sincerely held religious belief.

(d) This section does not authorize a person to access a governmental entity's or private business's premises or facilities, or to receive the benefits of a governmental entity's or private business's products or services, if the person is otherwise prohibited from accessing the governmental entity's or private business's premises or facilities, or from receiving the benefits of the governmental entity's or private business's products or services.

14-2-104. Face coverings for schools.

(a) Notwithstanding title 49 or any other law to the contrary but except as otherwise provided in subsection (c), a school or a governing body of a school shall not require a person to wear a face covering while on school property unless:

(1) Severe conditions exist;

(2) The principal or president of the school submits a written request to the school's governing body for the adoption of a policy requiring all persons on school property to wear a face covering;

(3) The school's governing body adopts such a policy on a school-by-school or campus-by-campus basis and only:

(A) For the school for which a request is submitted by the principal or president pursuant to subdivision (a)(1);

(B) If all other conditions or requirements of this subsection (a) exist at the time the policy is adopted; and

(C) If the policy is in effect for no more than fourteen (14) days;

(4) The school provides face coverings for persons twelve (12) years of age and older that meet the National Institute for Occupational Safety and Health N95 classification of air filtration, meaning that the face covering filters at least ninety-five percent (95%) of airborne particles, including droplets containing COVID-19; and

(5) The school provides age-appropriate face coverings for persons under twelve (12) years of age, but over five (5) years of age, that provide air filtration similar to the face coverings described in subdivision (a)(4).

(b) A principal or president of a school may submit a written request to the school's governing body to renew the face covering requirement for the school for an

additional fourteen-day period if the requirements of subsection (a) exist at the time the face covering requirement is renewed. If, at the end of a fourteen-day period, one (1) or more of the requirements or conditions of subsection (a) no longer exist, then a school shall not renew the school's face covering requirement or otherwise require a person to wear a face covering on school property.

(c) Notwithstanding subsection (a), a school shall not require a person to wear a face covering if the person provides documentation from the person's healthcare provider that wearing a face covering is contraindicated for the person, or if the person objects to wearing a face covering because of the person's sincerely held religious belief.

(d) Notwithstanding subsection (a):

(1) A school shall, to the extent practicable, provide a reasonable accommodation pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) to a person who provides a written request for a reasonable accommodation to the principal or president of the school. If the person requesting a reasonable accommodation under this subsection (d) is a minor, then the person's parent or legal guardian must provide the written request on the minor's behalf.

(2) The principal or president of the school shall evaluate the request on behalf of the school and, to the extent practicable, provide a reasonable accommodation. The principal or president shall issue a decision approving or denying the request in writing. If the principal or president denies the request, then the grounds for denial must be provided in the principal's or president's written decision. If the principal or president approves the request, then the school shall place the person in an in-person educational setting in which other persons who may place or otherwise locate themselves within six feet (6') of the person receiving the reasonable accommodation for longer than fifteen (15) minutes are wearing a face covering provided by the school that:

(A) For persons twelve (12) years of age or older, meets the National Institute for Occupational Safety and Health N95 classification of air filtration, meaning that the face covering filters at least ninety-five percent (95%) of airborne particles, including droplets containing COVID-19; or

(B) For persons under twelve (12) years of age, but over five (5) years of age, is age-appropriate and provides air filtration similar to the face coverings described in subdivision (d)(2)(A).

(e) The governing body of a school shall not use state funds to mandate or require students to wear face coverings in violation of this section. If a school's governing body violates this subsection (e), then the commissioner of education may withhold future distributions of school funds from a local education agency in the amount of the state funds used in violation of this section, or the attorney general and reporter may initiate legal proceedings to recover all state funds used in violation of this subsection (e).

(f) This section does not authorize a person to access a school's property or to receive the benefits of a school's services, if the person is otherwise prohibited from accessing the school's property, or from receiving the benefits of the school's services.

Chapter 3 – Unemployment Benefits Relative to COVID-19

14-3-101. Unemployment benefits.

(a) The disqualification from receipt of unemployment benefits provided in § 50-7-303(a)(1)(A) does not apply to a claimant who left employment because the claimant's employer, as defined in § 50-7-205, required its employees to receive a COVID-19 vaccine and the claimant failed or refused to receive a COVID-19 vaccine.

(b) Unemployment benefits shall not be reduced or denied under title 50, chapter 7 to an otherwise eligible claimant who left employment due to the claimant's failing or refusing to receive a COVID-19 vaccine.

(c) This section entitles an otherwise eligible claimant to a retroactive payment of unemployment benefits if the claimant was denied benefits on grounds that the claimant's separation from employment for failing or refusing to receive a COVID-19 vaccine was insufficient for benefits.

Chapter 4 – Healthcare Standards of Practice

14-4-101. Authority to Quarantine.

(a) Notwithstanding any law to the contrary, the commissioner of health has the sole authority to determine quarantine guidelines for:

(1) A person if the person tests positive for COVID-19. The quarantine of a person must be lifted if the person receives a negative antigen detection test result or a negative molecular diagnostic test result at any time during the quarantine period; and

(2) A private business or school for purposes of closing the private business or restricting the operation of the private business for purposes of COVID-19. The quarantine of a business must be lifted as soon as practicable after the commissioner is satisfied that the conditions at the business do not present a serious public health or safety threat with respect to the spread of COVID-19.

(b) A local health entity or official, mayor, governmental entity, or school does not have the authority to quarantine a person or private business for purposes of COVID-19.

(c) The commissioner may only establish quarantine guidelines by rules promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

14-4-102. Monoclonal Antibodies.

Notwithstanding any guidance or advice received from a governmental entity to the contrary, a healthcare provider shall exercise independent professional judgment when determining whether to recommend, prescribe, offer, or administer monoclonal antibodies to a patient as a treatment or prophylaxis against COVID-19.

14-4-103. Application of the Mature Minor Doctrine.

(a) Except as provided in subsection (b), a healthcare provider shall not provide a patient who is a minor with a COVID-19 vaccine without first obtaining written consent from the minor patient's parent or legal guardian.

(b) Subsection (a) does not apply if a healthcare provider, in the provider's independent professional judgment, suspects that the minor may be subjected to abuse, as defined in § 37-1-102, by a parent or legal guardian, or is a dependent and neglected child, as defined in § 37-1-102. If the exception provided in this subsection (b) applies, then the common law applies to the minor's capacity to consent to receiving a COVID-19 vaccine.

14-4-104. Right to Prescribe.

A licensing board shall not revoke, fail to renew, suspend, or take adverse action against the license of a health care provider based solely on the provider's recommendation to a patient or the public regarding treatment of COVID-19, or for prescribing or dispensing medication for the treatment of COVID-19 if the healthcare provider:

- (1) Exercises independent medical judgment that is not grossly negligent when recommending, prescribing, or dispensing;
- (2) Believes the treatment is in the best interest of the patient; and
- (3) Obtains written informed consent from the patient prior to prescribing or dispensing the medication.

Chapter 5 – Liability

14-5-101. Clear and convincing standard for liability.

(a) Except as otherwise provided in this title, there is no claim against a person for loss, damage, injury, or death arising from COVID-19, unless the claimant proves by clear and convincing evidence that the person proximately caused the loss, damage, injury, or death by an act or omission constituting gross negligence or willful misconduct.

(b)

- (1) In any claim alleging loss, damage, injury, or death arising from a COVID-19 infection, the claimant must file a verified complaint pleading specific facts with particularity from which a finder of fact could reasonably conclude that the alleged loss, damage, injury, or death was caused by the defendant's gross negligence or willful misconduct.

(2) In any claim alleging loss, damage, injury, or death based on a COVID-19 infection, the claimant must also file a certificate of good faith stating that the claimant or claimant's counsel has consulted with a physician duly licensed to practice in this state or a contiguous state, and the physician has provided a signed written statement that the physician is competent to express an opinion on the contraction of COVID-19, and, upon information and belief, believes that the alleged loss, damage, injury, or death was caused by an alleged act or omission of the defendant or defendants.

(3) The failure of a claimant to satisfy the requirements of subdivisions (b)(1) and (2), if required by subdivision (b)(2), makes the action subject to dismissal with prejudice upon motion of the defendant.

(c) This chapter does not:

(1) Create a cause of action;

(2) Eliminate a required element of any existing cause of action;

(3) Affect workers' compensation claims under the Workers' Compensation Law, compiled in title 50, chapter 6, including the exclusive application of such law; or

(4) Amend, repeal, alter, or affect any immunity, defense, limitation of liability, or procedure available or required under law or contract.

(d) Unless otherwise prohibited by the United States or Tennessee Constitution, this chapter applies to claims arising from COVID-19 except those for which, on or before August 3, 2020:

(1) A complaint or civil warrant was filed;

(2) Notice of a claim was given pursuant to § 9-8-402; or

(3) Notice was satisfied pursuant to § 29-26-121(a)(3) or § 14-5-101(b).

(e) As used in this section, "person" means an individual, healthcare provider, sole proprietorship, corporation, limited liability company, partnership, trust, religious organization, association, nonprofit organization described in 501(c) of the Internal Revenue Code that is exempt from federal income taxation under 501(a) of the Internal Revenue Code, 26 U.S.C. 501(a), or any other legal entity whether formed as a for-profit or not-for-profit entity.

14-5-102. Termination date.

This chapter terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

Chapter 6 – Miscellaneous

14-6-101. Anti-commandeering.

(a) Public funds of this state, or any political subdivision of this state, shall not be allocated for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation that mandates the administration of a COVID-19 countermeasure.

(b) Personnel or property of this state, or any governmental entity of this state, shall not be allocated for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation that mandates the administration of a COVID-19 countermeasure.

(c) As used in this section, "countermeasure" has the same meaning as "covered countermeasure" as that term is defined in the Public Readiness and Emergency Preparedness (PREP) Act, codified at 42 U.S.C. § 247d-6d.

14-6-102. Exemptions Due to Potential Loss of Federal Funding.

(a) Notwithstanding any law to the contrary, in order to ensure the continuation of business, governmental, and postsecondary educational institution operations in the midst of rapidly changing federal regulation of these operations, a class of entities may be temporarily exempt from complying with any provision of this title when such an exemption is necessary to conform to federally awarded or amended contracts, subcontracts, or postsecondary grants as a condition to receipt of federal funds.

(b) Upon notification from a private business, governmental entity, or postsecondary educational institution that application of a provision of this title would jeopardize the receipt of federal funds by a class of entities, the commissioner of finance and administration may identify a class of private businesses, governmental entities, postsecondary educational institutions, or employers as designated entities that are exempt from complying with any or all provisions of this title. Any such exemption must be narrowly tailored to exempt a class of designated entities only from the provisions of this title that would jeopardize the classes' receipt of federal funding.

(c) An exemption granted pursuant to this section takes effect once the commissioner files a written statement with the secretary of state specifying:

(1) The conflict between this title and federally awarded or amended contracts, subcontracts, or postsecondary grants that jeopardizes receipt of federal funds either authorized, anticipated, or appropriated;

(2) The characteristics of the class of designated entities; and

(3) The provisions of this title that conflict with federally awarded or amended contracts, subcontracts, or postsecondary grants compliance with which would jeopardize receipt of federal funding.

(d)

(1) Except as otherwise provided in subdivision (d)(2), an exemption granted pursuant to this section must expire no later than thirty (30) days after

the date of adjournment of the next session of the general assembly lasting ten (10) or more legislative days.

(2) Notwithstanding subdivision (d)(1), if the attorney general and reporter has challenged the application of the federally awarded or amended contracts, subcontracts, or postsecondary grants necessitating the request for an exemption pursuant to this section, then the exemption expires no later than thirty (30) days after the date of adjournment of the next session of the general assembly lasting ten (10) or more legislative days after final resolution of the court challenge.

(3) If the general assembly fails to act to make an exemption granted pursuant to this section permanent within the legislative session referred to in subdivision (d)(1) or (d)(2), then the commissioner is no longer authorized to reinstitute the exemption.

(e) The commissioner may revoke an exemption granted pursuant to this section at any time upon finding that the receipt of federal funding is no longer jeopardized. The revocation set out in this subsection (e) is effective upon the commissioner filing a written statement to that effect with the secretary of state.

14-6-103. Remedies.

(a) A person injured as a result of a violation of chapter 2 of this title is entitled to maintain a private right of action for injunctive relief and to recover compensatory damages and reasonable attorneys' fees against an alleged violator.

(b) If a court finds pursuant to subsection (a) that a private business violated § 13- provision of chapter 2 of this title, then the court shall provide notice to the commissioner of revenue. Upon receipt of such notice, the commissioner shall determine whether the private business received state funding for the fiscal year in which the violation occurred. If the commissioner determines that the private business received state funding, then the commissioner shall notify the attorney general and reporter who may initiate legal proceedings to recover all state funding received by the private business in the fiscal year in which the business committed the violation. If the legal proceeding filed by the attorney general and reporter results in the private business's loss of state funding, then the business shall not be eligible to receive state funding until the business is in compliance with this title.

SECTION 2. Tennessee Code Annotated, Section 9-8-307(j), is amended by adding the following language to the end of the subsection:

This subsection (j) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 3. Tennessee Code Annotated, Sections 9-8-307(j), 29-20-205(10), 29-20-310(f)(1), 49-7-159, are amended by deleting the language "29-34-802(a)" and substituting instead the language "14-1-101".

SECTION 4. Tennessee Code Annotated, Sections 9-8-307(j), 29-20-205(10), and 49-7-159, are amended by deleting the language "29-34-802(c)" and substituting instead the language "title 14, chapter 5".

SECTION 5. Tennessee Code Annotated, Section 29-20-205(10), is amended by adding the following language to the end of the subdivision:

This subdivision (10) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 6. Tennessee Code Annotated, Section 29-20-310(f), is amended by adding the following language as a new subdivision:

This subsection (f) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 7. Tennessee Code Annotated, Title 29, Chapter 34, Part 8, is amended by

deleting the part.

SECTION 8. Tennessee Code Annotated, Section 49-7-159, is amended by adding the following language to the end of the section:

This section terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 9. Tennessee Code Annotated, Section 50-7-303(a)(1), is amended by adding the following as a new subdivision:

(C) The disqualification provided in subdivision (a)(1)(A) does not apply to a claimant who left employment because the claimant's employer required its employees to receive a COVID-19 vaccine, as defined in § 14-1-101, and the claimant failed or refused to receive the immunization or vaccination.

SECTION 10. Tennessee Code Annotated, Section 50-7-303(c), is amended by adding the following as a new subdivision:

(4) Benefits shall not be reduced or denied under this chapter to an otherwise eligible claimant for separation from employment due to the claimant's failure or refusal to receive a COVID-19 vaccine, as defined in § 14-1-101.

SECTION 11. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by deleting §§ 68-5-115 - 68-5-117.

SECTION 12. The headings to sections, parts, and chapters in this act are for reference purposes only and do not constitute a part of the law enacted by this act.

However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 13. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 14. This act takes effect upon becoming a law, the public welfare requiring it; except as otherwise provided in § 14-5-101, this act applies to acts occurring on or after the effective date of this act.

Rep. Griffey moved the previous question on House Amendment No. 12, which motion prevailed by the following vote:

Ayes	68
Noes.....	14

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--68

Representatives voting no were: Beck, Camper, Chism, Clemmons, Hardaway, Harris, Hodges, Jernigan, Johnson G, Mitchell, Powell, Shaw, Stewart, Windle--14

On motion, House Amendment No. 12 was adopted by the following vote:

Ayes	61
Noes.....	19
Present and not voting.....	2

Representatives voting aye were: Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Ogles, Powers, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--61

Representatives voting no were: Baum, Beck, Camper, Clemmons, Curcio, Freeman, Hardaway, Harris, Hazlewood, Hodges, Jernigan, Johnson G, Kumar, Mannis, Mitchell, Powell, Shaw, Stewart, Whitson--19

Representatives present and not voting were: Moon, Ramsey--2

Rep. Todd moved that the House consider House Amendment No. 13 pursuant to **Rule No. 60 (B)**, which motion prevailed by the following vote:

Ayes 68
Noes..... 11

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Clemmons, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Mannis, Marsh, Moody, Moon, Powell, Powers, Ramsey, Reedy, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Todd, Travis, Vaughan, Vital, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--68

Representatives voting no were: Casada, Griffey, Hardaway, Hodges, Johnson G, Lynn, Mitchell, Rudd, Stewart, Warner, Weaver--11

Rep. Todd moved adoption of House Amendment No. 13 as follows:

Amendment No. 13

AMEND Senate Bill No. 14 by deleting the language "or private business" wherever it may occur in § 14-2-103 in Section 1 of the bill as amended.

AND FURTHER AMEND by deleting the language "or private business's" wherever it may occur in § 14-2-103 in Section 1 of the bill as amended.

AND FURTHER AMEND by deleting § 14-6-103 in Section 1 and substituting instead:

14-6-103. Remedies.

A person injured as a result of a violation of chapter 2 of this title is entitled to maintain a private right of action for injunctive relief and to recover compensatory damages and reasonable attorneys' fees against an alleged violator.

Rep. Hall moved the previous question on House Amendment No. 13, which motion prevailed by the following vote:

Ayes 65
Noes..... 15
Present and not voting..... 1

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--65

FRIDAY, OCTOBER 29, 2021 – THIRD LEGISLATIVE DAY – THIRD EXTRAORDINARY SESSION

Representatives voting no were: Beck, Camper, Chism, Clemmons, Hardaway, Harris, Hodges, Jernigan, Johnson G, Mitchell, Powell, Rudder, Stewart, Weaver, Windle--15

Representatives present and not voting were: Hulsey--1

On motion, House Amendment No. 13 was adopted by the following vote:

Ayes	54
Noes.....	26

Representatives voting aye were: Baum, Bricken, Byrd, Calfee, Carr, Carringer, Cochran, Curcio, Darby, Faison, Farmer, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hazlewood, Helton, Hicks G, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Littleton, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--54

Representatives voting no were: Beck, Boyd, Campbell S, Camper, Casada, Clemmons, Doggett, Eldridge, Griffey, Hardaway, Harris, Hawk, Hicks T, Hodges, Jernigan, Johnson G, Leatherwood, Lynn, Mitchell, Powell, Reedy, Rudd, Rudder, Stewart, Warner, Weaver--26

Rep. Farmer moved that Covid-19 Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Garrett moved that House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Garrett moved that the House consider House Amendment No. 14 pursuant to **Rule No. 60 (B)**, which motion prevailed by the following vote:

Ayes	72
Noes.....	10

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--72

Representatives voting no were: Camper, Chism, Clemmons, Hardaway, Harris, Hodges, Johnson G, Mitchell, Powell, Stewart--10

Rep. Garrett moved adoption of House Amendment No. 14 as follows:

Amendment No. 14

AMEND Senate Bill No. 14 by adding the following new subsection (e) to § 14-2-103 in Section 1 of the bill as amended:

(e) This section does not apply to a requirement for a private residence that is not open to the public that was adopted by the person that owns or leases the private residence.

On motion, House Amendment No. 14 was adopted by the following vote:

Ayes	73
Noes	10

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--73

Representatives voting no were: Camper, Chism, Clemmons, Hardaway, Harris, Hodges, Johnson G, Mitchell, Powell, Stewart--10

Rep. Powers moved the previous question, which motion prevailed by the following vote:

Ayes	69
Noes	14

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--69

Representatives voting no were: Beck, Camper, Chism, Clemmons, Freeman, Hardaway, Harris, Hodges, Jernigan, Johnson G, Mitchell, Powell, Stewart, Windle--14

Rep. Zachary moved that **Senate Bill No. 14**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	62
Noes	20
Present and not voting	1

Representatives voting aye were: Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry,

Todd, Vaughan, Vital, Warner, Weaver, White, Williams, Windle, Wright, Zachary, Mr. Speaker
Sexton--62

Representatives voting no were: Baum, Beck, Camper, Clemmons, Curcio, Freeman, Hardaway, Harris, Hazlewood, Hodges, Jernigan, Johnson G, Kumar, Mannis, Mitchell, Powell, Shaw, Stewart, Travis, Whitson--20

Representatives present and not voting were: Moon--1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "aye" to "no" on Amendment No. 13 of **Senate Bill No. 14** and have this statement entered in the Journal: Reps. Ogles and Ragan.

MESSAGE FROM THE SENATE October 29, 2021

MR. SPEAKER: I am directed to transmit to the House, HB 76. The Senate refused to recede from its action in adopting Senate Amendment(s) No. 1.

RUSSELL A. HUMPHREY, Chief Clerk

HOUSE ACTION ON SENATE MESSAGES

***House Bill No. 76** -- Public Health - As introduced, grants governor exclusive jurisdiction to issue orders and directives regarding county health departments during a pandemic; vests county mayors with authority to issue orders relative to the health and safety of county residents; vests commissioner of health with exclusive authority to quarantine persons and businesses for purposes of COVID-19. - Amends TCA Title 4; Title 14; Title 58; Title 68, Chapter 2 and Chapter 550 of the Public Acts of 2021. by *Sexton C, *Vaughan, *Williams, *Griffey, *Leatherwood, *Zachary, *Cepicky, *Lynn, *Howell. (SB13 by *McNally, *Massey)

Rep. Vaughan moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to **House Bill No. 76**, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 76

Pursuant to **Rule No. 73**, Representative Vaughan moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 76, which motion prevailed.

The Speaker appointed Representatives Vaughan, Hazlewood, Grills and Windle as the House members of the Conference Committee on House Bill No. 76.

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to transmit to the House, SB 14. The Senate nonconcurred in House Amendment No(s). 12, 13 & 14

RUSSELL A. HUMPHREY, Chief Clerk

HOUSE ACTION ON SENATE MESSAGES

Senate Bill No. 14 -- Unemployment Compensation - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *McNally, *Johnson. (*HB77 by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd)

Rep. Zachary moved that the House refuse to recede from its action in adopting House Amendments Nos. 12, 13 and 14 to **Senate Bill No. 14**, which motion prevailed.

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 14. The Senate refused to recede from its action in nonconcurring in House Amendment(s) No. 12, 13 and 14. The Speaker appointed a Conference Committee composed of Senators: Johnson, Bell, Watson, Bailey, White, Akbari and Yarbrow to confer with a like committee from the House in open conference to resolve the differences between the bodies on Senate Bill No. 14.

RUSSELL A. HUMPHREY, Chief Clerk

HOUSE ACTION ON SENATE MESSAGES

Senate Bill No. 14 -- Unemployment Compensation - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *McNally, *Johnson. (*HB77 by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd)

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 14**

Pursuant to **Rule No. 73**, Representative Zachary acceded to the request of the Senate and moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 14, which motion prevailed.

The Speaker appointed Representatives Zachary, Terry, Smith, Rudd, Lamberth, Todd, Beck and Shaw as the House members of the Conference Committee on Senate Bill No. 14.

RECESS MOTION

Rep. Lamberth moved that the House stand in recess until 9:30 p.m., which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 16 Reps. Lamberth and Clemmons as prime sponsor.

House Bill No. 74 Reps. Reedy, Cepicky and Todd as prime sponsors.

**ENROLLED BILLS
October 29, 2021**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 1; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
October 29, 2021**

The Speaker announced that he had signed the following: House Resolution No. 1.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 73; substituted for Senate Bill on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 75; substituted for Senate Bill on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS
October 29, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution No. 21;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 76. The Senate acceded to the request of the House for the appointment of a conference Committee. The Speaker appointed a Conference Committee composed of Senators: Massey, Jackson, Rose, Kyle and Gardenhire to confer with a like committee from the House in open conference to resolve the differences between the bodies on House Bill No. 76.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
October 29, 2021**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 21; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

CLERK'S NOTATION

The hour of 12:00 midnight on October 30, 2021 having arrived, the House commenced with the 4th Legislative Day.